

The Canadian Coalition to End Online Hate

Proposed Recommendations for Combating Online Hate in Canada

Presented to Mr. Arif Virani, MP, May 5, 2020

Background

In recent years, hate speech has flourished online. While most Canadians reject hate outright, increasingly a plethora of hate groups rely on online platforms to spread their toxic ideas, recruit followers, and incite violence. Shockingly, this is particularly true now, as we all struggle to cope with the COVID-19 pandemic. As communities, families and colleagues try to stay connected through online platforms at this time of physical distancing, incidents of online hate are increasing, through “Zoombombing”, social media platforms, and other nefarious means.

There is no simple solution to this complex problem. Government, law enforcement, social media platforms, internet providers, targeted communities, and users of these services all have roles to play in ensuring that hate online is checked. For vulnerable segments of Canadian society – including women, Indigenous persons, Jews, Muslims, Sikhs, Black Canadians, and 2SLGBTQ+ Canadians, among many others – online hate ultimately poses a threat to personal safety. Many communities that have been subjected to systematic discrimination, persecution and genocide, continue to face repeated incidents of hate speech and denial, adding insult to injury and depriving them of the closure they deserve. Online hate is a real and present danger and we cannot afford to wait any longer to take action.

As representatives of a diverse array of communities, many of whom are targets of this rapidly spreading form of hate, we have come together as the Canadian Coalition to End Online Hate (the “Coalition”) to urge the Government of Canada to move forward with its policy on online hate, based on the work of the House of Commons Standing Committee on Justice and Human Rights (the “Committee”) in the last Parliament. It is essential that as the Government works towards finding a solution to end the scourge of online hate, it works with the communities directly impacted.

Recommendations

As a starting point, the Coalition recommends that the Government of Canada:

- **Increase resources for law enforcement, crown attorneys, and judges to ensure that they receive sufficient training** on the importance and the need to combat online hate. This should include developing research methods and identifying best practices to combat online hate, in collaboration with academic institutions, cyber-security agencies and targeted communities. *(Based on Committee Recommendation 1—Funding for Training on Online Hate)*

- **Direct Statistics Canada to address the gap in data collection** by: (1) allocating resources to assist in the collection of data, by both governmental institutions and civil society organizations, with respect to both online hate crimes and online hate incidents; (2) ensuring that agents of the state, including law enforcement agencies, reflect the diversity of the populations they represent, in order to facilitate the reporting of hate crimes; (3) establishing uniform pan-Canadian guidelines and standards for the collection and handling of hate crime data and hate incident data; (4) creating a national database to retain and analyze hate crime and hate incident data; the national database should include data collected by local law enforcement agencies based on race, ethnicity, gender, sexual orientation and socio-economic status; and (5) developing a digital space where individuals can report online hate incidents or online hate crimes. *(Based on Committee Recommendations 2, 3 and 4 – Sharing Best Practices, Addressing the Gap in Data Collection, and Tracking Online Hate)*
- **Develop a multi-pronged approach to raise awareness of online hate**, including what constitutes online hate, and its impacts and consequences. This work should be done in collaboration with provincial and territorial governments, community organizations combating hate, and communities impacted by hate. Tactics could include, but are not limited to, social marketing campaigns, curriculum supports, and leveraging social media opportunities. *(Based on Committee Recommendation 5 -Preventing Online Hate)*
- **Formulate a definition of what constitutes ‘hate’ or ‘hatred’** that is consistent with Supreme Court of Canada jurisprudence. *(Committee Recommendation 6 - Formulating a Definition of Hate)*
- **Adopt a civil remedy** to help combat online hate. The deletion of s. 13 of the Canadian Human Rights Act (“CHRA”) means that the Criminal Code is now the only legal tool available to combat online hate. But criminal law is the bluntest tool in the Canadian legal toolbox. Criminal prosecutions for hate crimes are rarely commenced – in part because of the need for consent from the Attorney General before instituting proceedings – and are also rarely successful, given the challenges of proving guilt beyond a reasonable doubt. Many would prefer the adoption of a new civil remedy, but one that would address the deficiencies of s. 13 of the CHRA, which was an effective but flawed instrument. This civil remedy should be in line with the recommendations offered by the Honourable Irwin Cotler ([found here](#)), which provided for significant safeguards to protect legitimate freedom of expression while preventing vexatious use of the section. The precise scope of a civil remedy should be arrived at in consultation with this Coalition, other groups representing victims of online hate, and legal experts. This recommendation should not in any way preclude a more fulsome legislative review of the CHRA, which is in need of modernizing and improving. *(Based on Committee Recommendation 7 – Providing a Civil Remedy)*

- **Establish requirements for online platforms and Internet service providers**, no later than December 31, 2020, with regards to how platforms and providers monitor and address incidents of hate speech, and remove all posts that would constitute online hatred in a timely manner. These requirements should be developed in consultation with industry representatives and members of the communities targeted by online hate. This includes working with the Canadian Security Intelligence Service and the Communications Security Establishment to review the role of, and develop a strategy for, combating online hate that is sponsored or supported by authoritarian governments, state broadcasters of authoritarian regimes and foreign organizations. *(Based on Committee Recommendation 8—Establishing Requirements for Online Platforms and Internet Service Providers)*

The Canadian Coalition to End Online Hate includes the following organizations: *Armenian National Committee of Canada; Capital Pride; Centre for Israel and Jewish Affairs; Federation of Black Canadians; Women’s Legal Education and Action Fund; National Council of Canadian Muslims; Ukrainian Canadian Congress; World Sikh Organization.*